



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, November 12, 2014

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:02 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Stuart Fleming to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

20141236

Marietta Museum of History Presentation

The Marietta Museum of History will make a presentation concerning the 150th Commemorative of the Civil War.

Presented

20141175 Presentation of an award from the GA Forestry Service

Presentation of a 2014 Grand Award from the Georgia Urban Forest Commission (GUFC) for outstanding streetscape revitalization for Church Street.

Presented

20141225 Marietta PAL

Marietta PAL presents their 2014-15 Program and will receive a \$15,000 check from Amerigroup, which was awarded to PAL to fund our new PAL Power Movers Program.

Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE
MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:**

Several residents of the Forest Hills Community spoke in favor of agenda item 20140557, the Blackwell Park Development. Those speaking included Larry Zenoni, Rose Williams, Laura Caro, and Robert Ross.

- * **20141195 MOTION TO RESCIND
MARIETTA CITY COUNCIL
LEGISTAR NUMBER 20140960
Z2014-19 Roger Davis, Red Hare Brewery 994 and 1010 Roswell Street**
- Motion to rescind 20140960 Roger Davis, Red Hare Brewery 994 and 1010 Roswell Street which was previously approved by the Mayor and Council on October 8, 2014.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20141196 MOTION TO RESCIND
MARIETTA CITY COUNCIL
LEGISTAR NUMBER 20141029
Z2014-20 City of Marietta Coggins Place Right-of-Way**

Motion to rescind 20141029 City of Marietta Coggins Place Right-of-Way which was previously approved by the Mayor and Council on October 8, 2014.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

CONSENT AGENDA: Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Pro tem Johnny Walker briefly explained the consent agenda process.

City Attorney Doug Haynie noted the following changes to the consent agenda:

-under Judicial/Legislative: Agenda items 20141115 and 20141116, related to the revised Detailed Plan for Marietta Walk, were added to the consent agenda, both incorporating the Detailed Plan for Marietta Walk, Phase II, signed by the owner and dated November 12, 2014. Further, the applicant agrees to complete the obligations specified in the letter from Stacy Patton to Brian Binzer dated November 12, 2014. Both items should also show Council member Goldstein voting against.

-under Public Works: Agenda item 20141238, North Park Square Improvements, was added to the consent agenda, with Council member Goldstein abstaining.

-under Public Works: Agenda item 20141170, Crosswalks and Stop Sign Request, was added to the consent agenda.

-under Public Works: Agenda item 20141172, Sign and Striping Request, remains on the consent agenda and amended to read, "Motion authorizing signing and striping as shown on the attached drawing at the intersection of Walnut Drive and Bouldercrest Drive."

-under Other Business: Agenda item 20140968, V2014 46 Racetrac Petroleum, remains on consent, with the second variance amended to read, "Variance to increase the maximum area of the sign face from 90 sq.ft. to 135 sq.ft."

-under Other Business: Agenda item 20141100, V2014-48 Marietta High School, was added to the consent agenda and amended to read, "Motion to table to a Special Called Council meeting November 17, 2014."

City Attorney Doug Haynie noted that there were no items on the consent agenda requiring a public hearing.

A motion was made by Council member Coleman, seconded by Council member Kelly, to approve the consent agenda as modified.

The motion carried by the following vote:**Vote: 7 – 0 – 0****Approved***with the following exceptions:**Council member Goldstein abstaining on agenda item 20141238.**Council member Goldstein voting against agenda items 20141115, 20141116 and 20141170.**Council member Coleman abstaining on agenda item 20141035.**Council member Coleman voting against agenda item 20141241.***MINUTES:***** 20141223 Regular Meeting - October 8, 2014**

Review and approval of the October 8, 2014 regular meeting minutes.

This Matter was Approved on the Consent Agenda.**Vote: 7 – 0 – 0****Approved****MAYOR'S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:***** 20141151 Marietta Museum of History Appointments**

Approval of a recommendation by the Museum of History Board to appoint Mark Morgan, Denise Flynn, Michelle Rogers and Dan Harliss to the Board of Directors for a term of 3-years expiring October 31, 2017.

This Matter was Approved on the Consent Agenda.**Vote: 7 – 0 – 0****Approved****ORDINANCES:***Council member Goldstein left the dais prior to the discussion regarding the rezoning request for Greater Community Church of God in Christ.***20141098 Z2014-21 Greater Community Church of God in Christ 74 Doran, 114 Doran Avenue, 122 Doran Avenue, 439 Chester Street, 66 Olive Street, 69 Doran Avenue, 99 Doran Avenue****[Ord 7772](#)**

Z2014-21 [REZONING] GREATER COMMUNITY CHURCH OF GOD IN CHRIST request rezoning for property located in Land Lot 12330, District 16 and being known as 74 Doran Avenue (Parcel 0430), 114 Doran Avenue (Parcel

0450), 122 Doran Avenue (Parcel 0460), 439 Chester Street (Parcel 0560), 66 Olive Street (Parcel 0600); and in Land Lot 12340, District 16 and being known as 69 Doran Avenue (Parcel 1230) and 99 Doran Avenue (Parcel 1240), 2nd Section, Marietta, Cobb County, Georgia from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 1A.

406 Chester Street is owned by JRG 30 Whitlock Ave, LLC, which is owned by Joseph Goldstein. Joseph Goldstein is the son of Councilman Philip Goldstein.

City Attorney Douglas Haynie opened the public hearing. Mr. Haynie then explained the rules of order and swore in those wishing to speak.

Development Services Director Brian Binzer presented information regarding the rezoning request for property located at 74 Doran, 114 Doran Avenue, 122 Doran Avenue, 439 Chester Street, 66 Olive Street, 69 Doran Avenue, 99 Doran Avenue.

Mrs. Pearl Freeman, Chairman of the Board of Directors for Greater Community Church of God in Christ, introduced others speaking on behalf of the Church including Pastor Matthew Brown, Allen Worthey Co-Director and Kyle Darden.

Mrs. Freeman explained the issue they have with parking during various church services. Vehicles are currently being parked along the street and on the one gravel lot owned by the church. Mrs. Freeman mentioned that on many occasions they have received citations from Code Enforcement for parking on that gravel lot. The Church is requesting a change in zoning from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial) to allow the space to be used for parking. This would be for a period of 5-7 years, until they are financially able to create a permanent solution. The Church has purchased several lots surrounding the church with the intent to demolish the homes and gravel the lots for additional parking.

Several nearby residents spoke in opposition of the rezoning request from Single Family Residential to Community Retail Commercial. Some were also concerned with being surrounded by graveled lots used for parking. Those speaking in opposition included:

Cheryl Richardson, who owns property on Grogan Street.

John Winebrenner, who owns property at on Chester Street.

Jerry Mann, who owns property on Lakewood.

In rebuttal, Mrs. Freeman stated that the request for rezoning would not be needed if they were simply allowed to park on gravel lots. This would bring them into compliance with Code Enforcement and would get many of the vehicles off the street during service.

Discussion was held by Council. Concern was expressed regarding the Community Retail Commercial zoning and the timeline for allowing the gravel lots. Mrs. Freeman stated that the Church would also be amenable with a variance to allow parking on a grass or gravel surface.

Seeing no one else wishing to speak, the public hearing was closed.

A motion was made by Council member Fleming, seconded by Council member Chalfant, to approve a Special Land Use Permit for property located at 66 Olive Street, Land Lot 1233 of the 16th District, with the following variance incorporated as part of the Special Land Use Permit approval:

1. Waiver of paving requirements to allow parking on gravel.

The motion carried by the following vote:

Vote: 5 - 2 - 0 Approved as Amended
Voting Against: Andy Morris and Anthony Coleman

20141099

Z2014-22 Brian Warren 1021 Marble Mill Circle

Z2014-22 [SPECIAL LAND USE PERMIT] BRIAN WARREN requests a Special Land Use Permit for uses (offices and truck parking) associated with hauling and storage of residential sanitation trucks for property located in Land Lot 10040, District 16, Parcel 0240, 2nd Section, Marietta, Cobb County, Georgia and being known as 1021 Marble Mill Circle, currently zoned HI (Heavy Industrial).

City Attorney Douglas Haynie opened the public hearing and swore in those wishing to speak.

Development Services Director Brian Binzer presented information regarding the request for a Special Land Use Permit for property located at 1021 Marble Mill Circle. Mr. Binzer also summarized the criteria used when considering a Special Land Use Permit.

The applicant, Mr. Brian Warren, Vice President of Custom Disposal Services, and on behalf of owner, Ken Dyer, who was also present, requested a Special Land Use Permit to build offices and truck parking associated with hauling and storage of residential sanitation trucks. Mr. Warren stated that they intend to park trucks behind the building, which would have a brick facade on the sides facing road. The applicant presented diagrams of where the building and parking would be located on the property, as well as the underground detention system, if required.

Discussion was held by Council regarding day to day activity on the site and systems in place to control any odor from the garbage trucks. Mr. Warren explained that the trucks would leave the site in the morning and dump any garbage before returning to park at the end of the day. There would be employees working in the offices during the day, but no trucks coming and going throughout the day. Mr. Warren also mentioned that the company would bring approximately 20 jobs to the area, which is currently in the Opportunity Zone.

Seeing no one else wishing to speak, the public hearing was closed.

Discussion was held.

A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the Special Land Use Permit for property located at 1021 Marble Mill Circle.

Further discussion was held. There was general agreement that this matter be tabled to allow the applicant to address the concerns raised by Council.

A substitute motion was made by Council member Goldstein, seconded by Council member Coleman, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved to Tabled

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

*** 20141127 Denial of Claim**

Denial of the claim of Raymond Weimer.

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Deny Claim

*** 20141128 Denial of Claim**

Denial of the claim of Luke C. Broadwell.

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Deny Claim

*** 20141182 Denial of Claim**

Denial of the claim of Carmen Yadira Paz Ramos, Fany Herrera, Merlin Herrera and Sandra Herrera.

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Deny Claim

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: G. A. (Andy) Morris, Chairperson*** 20141130 Franklin-Delk LCI**

Approval of a Resolution for the Gateway Marietta-Terrell Mill LCI grant application request of \$144,000, and the authorized local match of \$36,000 from the City of Marietta, Gateway Marietta CID and Cobb County by each contributing \$12,000 in support of the grant proposal.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141183 Substitution of Collateral**

Motion to approve a substitution of collateral between the City of Marietta and the Marietta Redevelopment Corporation whereby 67 Hedges Street shall be added to the existing Deed to Secure Debt from the Marietta Redevelopment Corporation to the City of Marietta and 193/195 Hedges Street shall be released from said Deed to Secure Debt recorded in Deed Book 15133, Page 5107, Cobb County Records. This motion is contingent upon the consent of the Bank of North Georgia to this transaction and the approval of the Board of Directors of the Marietta Redevelopment Corporation to this transaction. Further, the Mayor and City Clerk are authorized to execute any and all documents consistent with this motion and all documents are subject to the final approval of the City Attorney and the Economic Development Manager for the City of Marietta

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

2. Finance/Investment: Stuart Fleming, Chairperson*** 20141104 MPD HEAT Grant**

[Ord7768](#)

Approving and Ordinance amending the Fiscal Year 2015 General Fund Budget to receive and appropriate a grant from the Governor's Office of Highway Safety to maintain a HEAT (DUI) unit.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141119 GMA Annual Mayors' Day Conference**

Motion approving travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) Annual Mayors' Day Conference, January 23-26, 2015, in Atlanta, Georgia.

* **20141163** **This Matter was Approved on the Consent Agenda.**

Vote: 7 – 0 – 0 **Approved**

Refunding of 2009D General Obligation Bonds

Motion to authorize the contract with Raymond James and Associates as the financial advisor for the possible refunding of the 2009D General Obligation Parks Bonds to save money because of lower interest rates.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20141114** **2015 City Council Meeting Dates**

Approval of a Resolution establishing the City Council meeting dates and approval of the committee meeting calendar for 2015.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20141115** **Revised Detailed Plan for Marietta Walk Phase II**

Motion to approve the revised site plan and architectural elevations for the single family homes associated with the Detailed Plan for Marietta Walk, Phase II, signed by the owner and dated November 12, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:

Approve the revised site plan, which changes the area previously identified for commercial use to be developed for single family homes by the new developer, Minerva USA, in partnership with their builder, Stonecrest Homes. Architectural elevations, prepared by Roger Caldwell of Caldwell Cline Architectural Designers, are also included with this revised plan.

All other conditions of the previously approved detailed plan will remain in effect.

Motion to approve the Revised Detailed Plan, incorporating the Plan signed by the owner and dated November 12, 2014. Further, the applicant agrees to complete the obligations specified in the letter from Stacy Patton dated November 12, 2014.

This Matter was Approved as Amended on the Consent Agenda.

Vote: 6 – 1 – 0 **Approved as Amended**

Voting Against: Philip M. Goldstein

* **20141116** **Revised Detailed Plan for Marietta Walk, Phases I & II - revised elevations & detailed tree plan**

Motion to approve architectural elevations for the single family homes and townhouses associated with the Detailed Plan for Marietta Walk, Phases I & II, signed by the owner and dated November 12, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:

Approve additional architectural plans for the single family homes and townhouses, which include designs for front loaded single family detached homes, by the new developer, Minerva USA, in partnership with their builder, Stonecrest Homes. Architectural elevations, prepared by Roger Caldwell of Caldwell Cline Architectural Designers, are attached.

Also, approval of a revised detailed tree plan that complies with the City tree ordinance, which has been revised since the original plan was approved in 2005.

The revised detailed plan for Marietta Walk, Phase I and Phase II, is approved - except that the street trees proposed to be planted along Powder Springs Street (12 lacebark elm trees, 3" in caliper) shall not be planted until the issue of whether to allow them in the right of way is resolved. Further, no certificates of occupancy shall be issued for those lots along Powder Springs Street until the issue regarding street trees has been brought back to City Council for resolution.

Further, the applicant agrees to complete the obligations specified in the letter from Stacy Patton to Brian Binzer dated November 11, 2014.

All other conditions of the previously approved detailed plan will remain in effect.

Motion to approve the Revised Detailed Plan, incorporating the Plan signed by the owner and dated November 12, 2014. Further, the applicant agrees to complete the obligations specified in the letter from Stacy Patton dated November 12, 2014.

This Matter was Approved as Amended on the Consent Agenda.

Vote: 6 – 1 – 0 **Approved as Amended**
Voting Against: Philip M. Goldstein

* **20141158** **Windy Hill Road Annexation I**

Motion approving advertising of the annexation of the Windy Hill Road Island Annexation I properties as shown on the attached map (Exhibit A) and as identified by the parcel address list in the attached table (Exhibit B) into the City of Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved for Advertisement**

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**20140557 “Blackwell Park” Development**

A motion approving the development of “Blackwell Park” in accordance with the concept plan as presented at the October meeting of the Parks, Recreation and Tourism Committee referenced as option 1 with estimated probable costs of \$58,334 with funding from the 2009 Parks Bond fund.

A motion was made by Council member Goldstein, seconded by Council member Fleming, that this matter be Approved. The motion carried by the following vote:

Vote: 4 – 1 – 1 Approved

Voting Against: Andy Morris

Abstaining: Grif Chalfant

Absent for the vote: Anthony Coleman

*** 20141137 Restroom installation project**

A motion approving the procurement and installation of restroom structures as presented at the October Parks, Recreation and Tourism Committee at previously approved parks: Henry, Lewis, Merritt, Victory and Whitaker; and, amending the project budget by increasing the previously approved amount of \$387,090 (Agenda Item 20140558) to \$394,628.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

5. Personnel/Insurance: Johnny Walker, Chairperson**6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson**

*** 20141122 Bus Shelter Lease Extension**

Motion authorizing continuation of the current Bus Stop Shelter Agreement, Contract/Agreement Number 1864, on a month-to-month basis with the provision that the City may terminate the agreement with 90 days notice. The annual fee for each shelter shall be pro-rated annually based on the number of days the agreement is in effect. This month-to-month extension shall end December 8th, 2016 or 4 months after Cobb County Community Transit System enters into a new and similar contract, whichever comes first.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141123 Grant Budget Appropriation**

[Ord 7769](#)

Approval of an Ordinance amending the Fiscal Year 2014 budget to appropriate reimbursable grant funds from GDOT for various Public Works projects.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141226 Grant Budget Appropriation**

[Ord 7770](#)

Approval of an Ordinance amending the Fiscal Year 2015 budget to appropriate reimbursable grant funds from GDOT for the Rottenwood Creek Trail.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141124 Comcast Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit requests:

Comcast permit #S1082TSC-CDOT2 for overlash of existing cable across Loudermilk Drive near the intersection of Church Street Extension.

This motion does not grant a perpetual variance. Comcast must relocate underground at their expense if other utilities at the location are moved underground.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141125 GDOT Memorandum of Agreement (MOA)**

Motion to approve the GATEway Grant Memorandum of Agreement between The Georgia Department of Transportation and The City of Marietta for Gateway Landscape Improvements along South Marietta Pkwy between Cobb Parkway and Franklin Road.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141126 CSX Construction Agreement**

Motion to approve the Construction Agreement from CSX Transportation for the construction of the Atherton Square TE project.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141153 Commerce Park Drive Sign**

Motion approving the attached Landscape License Agreement from Cobb County allowing a sign within Commerce Park Drive right of way.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141035 Mill Street and Cherokee Street Improvements**

Motion authorizing improvements along Mill Street and Cherokee Street as presented with work commencing in January 2015.

Council member Goldstein disclosed that he owns property, manages property and/or have interest in entities that own property, and/or have relatives that own property along Mill Street, North Park Square, Church Street and Cherokee Street. It appears that all improvements proposed are to the public right-of-way.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 1 Approved
Abstaining: Anthony Coleman

*** 20141238 North Park Square Improvements**

Motion to proceed with concept design with 7.5 feet sidewalk expansion as presented as “Option A” with construction to commence January 2016.

Council member Goldstein disclosed that he owns property, manages property and/or have interest in entities that own property, and/or have relatives that own property along Mill Street, North Park Square, Church Street and Cherokee Street. It appears that all improvements proposed are to the public right-of-way.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 1 **Approved**
Abstaining: Philip M. Goldstein

* **20141133** **Manning Road**

Motion authorizing installation of traffic calming measures along Manning Road as shown on attached drawings.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20141134** **Frasier Street Speed Limit**

Motion establishing the speed limit along Frasier Street at 25MPH.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20141170** **Crosswalks and Stop Sign Request**

Motion authorizing a 5 way stop at the intersection of Maple Avenue, Winn Street, Camp Street and Holland Street.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0 **Approved**
Voting Against: Philip M. Goldstein

* **20141172** **Sign and Striping Request**

Motion authorizing signing and striping as shown on the attached drawing at the intersection of Walnut Drive.

Motion authorizing signing and striping as shown on the attached drawing at the intersection of Walnut Drive and Bouldercrest Drive.

This Matter was Approved as Amended on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved as Amended**

OTHER BUSINESS:*** 20140805 V2014-31 Clear Channel Outdoor, Inc. 1200 Roswell Road**

V2014-31 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 12390, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Roswell Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft. [§704.04; §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)]
2. Variance to reduce the front, side, and rear setbacks. [§708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)]
3. Variance to allow a billboard to be located within 1,000 feet of another billboard. [§714.04 (G)(5.)]
4. Variance to allow a billboard to be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign. [§714.04 (G)(10.)]
5. Variance to eliminate the requirement that a billboard must be regulated as a principal use and be required to meet all dimensional standards of the applicable zoning district (CRC). [§704.04; §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)]

Motion to Table this matter until the December 10, 2014 City Council meeting.

This Matter was Approved to Table on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Tabled

*** 20140950 V2014-40 CBS Outdoor, LLC 1200 Gresham Road**

V2014-40 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 11660, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Gresham Road, currently zoned CRC (Community Retail Commercial). Ward 7.

1. Variance to reduce the rear setback for a billboard support structure from 35' to 22.';
2. Variance to reduce the rear setback for billboard sign faces to 19.';
3. Variance to reduce the side setback for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 100' to 72.';
7. Variance to locate a billboard within 500' of a residential zoning district.

Motion to Table this matter until the January 14, 2015 City Council meeting.

This Matter was Approved to Table on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Tabled

* **20140953 V2014-43 Clear Channel Outdoor, Inc. 611 Webb Industrial Drive**

V2014-43 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 09980, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Webb Industrial Drive, currently zoned HI (Heavy Industrial). Ward 5B.

1. Variance to reduce the side setbacks for a billboard support structure from 20' to 11.';
2. Variance to reduce the rear setback for a billboard support structure from 40' to 23.';
3. Variance to reduce the rear and side setbacks for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards.;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 150' to 21.';
7. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign.

Motion to Table this matter until the December 10, 2014 City Council meeting.

This Matter was Approved to Table on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Tabled

20141117 V2014-52 CBS OUTDOOR, LLC 121 FREYS GIN ROAD

V2014-52 [VARIANCE] CBS OUTDOOR request variance for property located in Land Lot 12390, District 16, Parcel 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Freys Gin Road, currently zoned CRC (Community Retail Commercial). Variance to increase LED sign face to 672 square feet. Ward 7A.

City Attorney Doug Haynie called forward those wishing to speak regarding this matter.

Brian Binzer, Development Services Director, presented information regarding the requested variances needed and summarized the criteria used to consider variance requests.

Scott Peters, representing Clear Channel Outdoor and CBS Outdoor, requested several variances needed to relocate the billboard located at 1200 Roswell Road that will be impacted by the widening of I 75. Mr. Peters mentioned that the variance to allow pole to be relocated was approved by Council last month; however, the LED component was not included in the actual application. The applicant is now requesting a variance to increase LED sign face to 672 square feet, which existed prior to the relocation of the pole.

Discussion was held by Council.

A motion was made by Council member Goldstein, seconded by Council member Chalfant, to Deny the variance request. The motion carried by the following vote:

Vote: 5 - 1 - 1 Approved to Deny

Voting Against: Stuart Fleming

Abstaining: Andy Morris

*** 20140968 V2014-46 Racetrac Petroleum 2484 Delk Road, 2466 Delk Road, and 2400 Delk**

V2014-46 [VARIANCE] RACETRAC PETROLEUM request variances for property located in Land Lot 07990, District 17, Parcels 0380, 0050, and 0090, 2nd Section, Marietta, Cobb County, Georgia and being known as 2484 Delk Road, 2466 Delk Road, 2400 Delk Road, currently zoned CRC (Community Retail Commercial). Ward 7A

1. Variance to increase the maximum height of a freestanding monument sign, which shall have a brick base, from 15 ft. to 20 ft.
2. Variance to increase the maximum area of the sign face from 90 sq ft to 125 sq ft

Motion to approve the following variances request for property located at 2484 Delk Road, 2466 Delk Road, 2400 Delk Road, currently zoned CRC (Community Retail Commercial):

- 1. Variance to increase the maximum height of a freestanding monument sign, which shall have a brick base, from 15 ft. to 20 ft.*
- 2. Variance to increase the maximum area of the sign face from 90 sq ft to 135 sq ft*

This Matter was Approved as Amended on the Consent Agenda.

Vote: 7 - 0 - 0 Approved as Amended

*** 20141100 V2014-48 Marietta High School 121 Winn Street**

V2014-48 [VARIANCE] MARIETTA HIGH SCHOOL requests variances for property located in Land Lot 12200, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Winn Street, currently zoned R-4 (Single Family Residential 4 units/acre). Variance to eliminate the planted border strip along Cleburne Avenue; variance to reduce the planted border strip along Polk Street, as shown on the attached plans with the submittal date of September 15, 2014. Ward 3A.

This Matter was Referred on the Consent Agenda.

Vote: 7 - 0 - 0 Referred to the City Council Special Meeting

* **20141231 Begin Process to Change the Name of Franklin Road to Gateway Boulevard**

Motion to begin the process to change the name of Franklin Road to Gateway Boulevard on or before July 1, 2015. This includes the entire length of Franklin Road beginning at the intersection of Banberry Road and Franklin Road to Cobb Parkway and Franklin Road. The process will include advice and counsel from the Gateway Marietta CID area community and stakeholders.

It is further recommended to designate Gateway Boulevard commencing at South Marietta Parkway and terminating at Delk Road as the "JW Franklin and Sons Pottery Commemorative Highway".

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20141186 739 Franklin Road Tenant Signage**

Motion authorizing acquisition of tenant signage at 739 Franklin Road from Taquezia La Adelita in exchange for \$200.00, from Party Package Store in exchange for \$710.00 and from Laundry Concepts Inc. in exchange for \$200.00 for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20141187 170 N. Fairground Street**

Motion authorizing acquisition of a portion of property and easements at 170 N. Fairground Street from Church Loan Assets Master, LLC for the purpose of constructing the Fairground Street Improvements Project- from Roswell Street to Rigby Street in exchange for \$7,500.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20141188 454 Whitlock Avenue**

Motion accepting donation of temporary easement at Parcel 18, 454 Whitlock Avenue from Larry M. Ingle for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20141189 680 Franklin Road - Parcel 14-T**

Motion to authorize the acquisition of property owned by CBS Outdoor on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20141190 1391 Powder Springs Street**

Motion to authorize the acquisition of property owned by Stor-Master, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20141239 739 Franklin Road**

Motion to authorize purchase of 739 Franklin Road in exchange for \$56,465.60 and the City Attorney is authorized to take all action necessary to purchase said property.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20141240 739 Franklin Road**

Motion to authorize the acquisition of property owned by 739 Franklin Properties, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any

and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20141241**

111 N. Fairground Street

Motion to authorize the acquisition of property owned by Richard Roberts on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0

Approved

Voting Against: Anthony Coleman

* **20141242**

1211 Powder Springs Street

Motion to authorize the acquisition of property owned by William E. Lisenby, William H. Shaw, Jr. and Larry J. Baugh on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20141243**

773 Wylie Road a/k/a 720 Franklin Road

Motion to authorize the acquisition of property owned by The Gallery Apartments, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including

the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20141244**

640 Franklin Road

Motion to authorize the acquisition of property owned by Quiktrip Corporation on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20141224**

BLW Actions of the November 10, 2014

Review and approval of the November 10, 2014 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

Prior to adjourning, City Attorney Doug Haynie requested that an item be added to the agenda related to the acquisition and exchange of property.

Mayor Tumlin disclosed that the owner of the subject property is the son of a partner in his law firm. Mayor Tumlin then left the dais.

Mayor Pro-tem Johnny Walker presided over this portion of the meeting.

A motion was made by Council member Walker, seconded by Council member Chalfant, to suspend the rules of order to add an item related to the acquisition and exchange of property. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

A motion was made by Council member Walker, seconded by Council member Chalfant, to approve Contract for Exchange of Real Property between the City of Marietta, as Purchaser, and Whitaker Investments, LLC, as Seller. As part of this

motion, the City of Marietta finds that the exchange is in the best interest of the parties and the best interest of the public. The City Attorney and the Director of Parks and Recreation are given authority to close on the Burnt Hickory Road property. The Mayor and City Clerk are authorized to execute any and all documents set forth in the Contract including the transfer of the Chicopee property.

The motion carried by the following vote:

Vote: 6 – 0 – 1 **Approved**
Abstaining: Andy Morris
(See agenda item 20141249)

20141249 Property Exchange

Motion to approve Contract for Exchange of Real Property between the City of Marietta, as Purchaser, and Whitaker Investments, LLC, as Seller. As part of this motion, the City of Marietta finds that the exchange is in the best interest of the parties and the best interest of the public. The City Attorney and the Director of Parks and Recreation are given authority to close on the Burnt Hickory Road property. The Mayor and City Clerk are authorized to execute any and all documents set forth in the Contract including the transfer of the Chicopee property.

A motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Approved. The motion carried by the following vote:

Vote: 6 – 0 – 1 **Approved**
Abstaining: Andy Morris

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 9:37 p.m.

Date Approved: December 10, 2014

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk